

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

ROBERT BENNETT,	)	
	)	
<i>Petitioner,</i>	)	
	)	
v.	)	Nos.: 3:07-cr-81
	)	3:15-cv-33
UNITED STATES OF AMERICA,	)	
	)	
<i>Respondent.</i>	)	

**MEMORANDUM AND ORDER**

Petitioner Robert Bennett has filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 187). Petitioner Bennett was convicted of various drug-trafficking crimes and was sentenced to a life term of imprisonment. Petitioner previously filed a § 2255 motion attacking the same conviction (Doc. 177), which was denied as untimely under the one-year limitations statute in § 2255(f) for filing motions to vacate (Doc. 182). That decision was affirmed by the Sixth Circuit, and the Supreme Court rejected a petition for a writ of certiorari (Docs. 184 and 186).

In accordance with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), effective April 24, 1996, Petitioner cannot file a second or successive § 2255 motion in the district court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the district court to consider the petition. 28

U.S.C. § 2255(h) (referencing 28 U.S.C. § 2244). This Court has not received an order from the Sixth Circuit authorizing the Court to consider the pending motion.

Accordingly, the Clerk is **DIRECTED** to transfer this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

**ENTER:**

s/ Thomas W. Phillips  
SENIOR UNITED STATES DISTRICT JUDGE